



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2954

DATE SCANNED 10/5/15

SCANNER NO. 2

SCAN OPERATOR TJ



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2015 APR -1 PM 5: 20

April 1, 2015

**SENSITIVE**

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *for PCO*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *for PCO*  
Assistant Staff Director  
Reports Analysis Division

BY: *KDR* Kristin D. Roser/Sari Pickerall *JP*  
Reports Analysis Division  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2014 Year-End Report for the  
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2014 Year-End Report in accordance with 52 U.S.C. § 30104(a). The Year-End Report was due on January 31, 2015.

The committees listed in the attached RTB Circulation Report either failed to file the report, no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

Federal Election Commission  
Reason to Believe Circulation Report  
2014 YEAR-END Not Election Sensitive 01/31/2015 H\_S\_P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2953	C00546630	ABELER4SENATE	ABELER, JAMES J	BART J. WARD	\$309,164	0	3/6/2015	Not Filed	\$8,601	\$330
2954	C00543074	BARFIELD FOR CONGRESS	BARFIELD, JONATHAN JR	TUFANNA L THOMAS	\$120,923	0	3/15/2015	Not Filed	\$658	\$275
2955	C00540385	BEALE FOR CONGRESS	BEALE, ANTHONY A	STEVEN R BURRIS	\$369,434	5		Not Filed	\$92,359 (est)	\$8,662
2956	C00559146	BELIEVE IN LIFE LIBERTY YOURSELF AKA BILLY PAC		RONALD NEVILLE	\$121,412	0		Not Filed	\$24,282 (est)	\$550

2958	C00550129	CALVIN D TURNQUEST FOR CONGRESS	TURNQUEST, CALVIN DEON	OLIVIA OUTMEZGUINE	\$112,964	1		Not Filed	\$37,655 (est)	\$1,362
2959	C00405852	CAM CAVASSO FOR U S SENATE	CAVASSO, CAMPBELL	RAYNETTE K NICHOLSON	\$628,063	0		Not Filed	\$62,806 (est)	\$2,970
2960	C00558601	CICOTTE FOR CONGRESS	CICOTTE, GEORGE FREDERICK	GEORGE FREDERICK CICOTTE	\$453,747	0		Not Filed	\$113,437 (est)	\$4,950
2961	C00460238	CUBIST PHARMACEUTICALS INC. PAC (CUBIST PAC)		MARK BATTALIGNI	\$194,531	0		Not Filed	\$17,685 (est)	\$550
2962	C00553297	DAN FREI FOR CONGRESS	FREI, DANIEL EDWARD	MATTHEW SAKALOSKY	\$102,720	0		Not Filed	\$20,544 (est)	\$550

2964	C00176420	DEMOCRATIC FOUNDATION OF ORANGE COUNTY		GLEN HATTON	\$268,359	0		Not Filed	\$42,187 (est)	\$1,090
2965	C00548453	DOC MOYLAN GOES TO WASHINGTON ELECTION COMMITTEE	MOYLAN, DAVID JOHN III MD	ROBERT BEAUVAIS	\$185,684	0	3/16/2015	Not Filed	\$1,000	\$275
2966	C00522821	EMPOWER CITIZENS NETWORK		ROBERT WAYNE WARTHER	\$102,072	0		Not Filed	\$20,414 (est)	\$550
2967	C00547067	ESPERO FOR CONGRESS	ESPERO, WILLIAM	BRYAN GALLARDE	\$225,170	0		Not Filed	\$45,034 (est)	\$1,090
2968	C00554345	FISCHER FOR CONGRESS	FISCHER, JAMES M	STACEY J. FANTAUZZI	\$297,553	0		Not Filed	\$49,592 (est)	\$1,090
2969	C00561688	FLINN FOR SENATE	FLINN, GEORGE SHEA	LLOYD HETZER	\$2,980,586	0		Not Filed	\$993,529 (est)	\$13,200
2970	C00148999	FRIENDS OF DICK DURBIN	DURBIN, RICHARD J	DOUGLAS A. DOUGHERTY	\$17,561,979	0	2/13/2015	13	\$170,433	\$2,930
2971	C00559054	IF HE VOTES LIKE THAT IN SALEM IMAGINE WHAT HE WILL DO IN CONGRESS		CAROL RUSSELL	\$228,068	0		Not Filed	\$32,581 (est)	\$1,090
2972	C00543033	JAY STAMPER FOR SENATE COMMITTEE	STAMPER, JEREMY MICHAEL	JEREMY M. STAMPER	\$125,244	1		Not Filed	\$20,874 (est)	\$687
2973	C00560672	JETT FOR CONGRESS	JETT, SHANE DAVID	LESLIE SUSANNE LANDWERT	\$151,331	0		Not Filed	\$37,833 (est)	\$1,090
2974	C00505800	JILL STEIN FOR PRESIDENT	STEIN, JILL	JAMES MORAN	\$230,734	5		Not Filed	\$11,537 (est)	\$1,237

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2975	C00545715	JORGE BONILLA FOR US CONGRESS INC	BONILLA, JORGE L JR	MAGDALENA BONILLA	\$270,955	2		Not Filed	\$54,191 (est)	\$4,455
2976	C00552513	KALEKA FOR CONGRESS	KALEKA, AMARDEEP	PETER BELLIN	\$312,974	0		Not Filed	\$62,595 (est)	\$2,970
2977	C00552992	KWASMAN FOR CONGRESS	KWASMAN, ADAM CHARLES	ADAM KWASMAN	\$619,532	0	2/19/2015	19	\$21,000	\$205
2978	C00553958	LARRY WILSKE FOR CONGRESS	WILSKE, LARRY ALBERT	ANTHONY ELLIOTT STEWART	\$406,466	0	2/27/2015	27	\$715	\$162
2979	C00548024	LORENZO 'LARRY' PALOMARES-STARBUCK FOR CONGRESS	PALOMARES-STARBUCK, LORENZO 'LARRY'	ELY CESAR	\$161,220	0		Not Filed	\$80,610 (est)	\$3,850
2980	C00546606	LOUIE MINOR FOR CONGRESS	MINOR, LOUIE JR	ANNA VAZQUEZ	\$135,391	0		Not Filed	\$19,342 (est)	\$550
2981	C00545301	MARJORIE 2014	MARGOLIES-MEZVINSKY, MARJORIE	JENNIFER MAY	\$2,918,618	0	3/19/2015	Not Filed	\$6,524	\$330
2982	C00564724	MCCLINE FOR CONGRESS	MCCLINE, JAMEEL	TRINE ANDERSEN	\$149,352	0		Not Filed	\$74,676 (est)	\$2,970
2983	C00343590	MECHANICAL CONTRACTORS ASSOCIATION OF AMERICA POLITICAL ACTION COMMITTEE (MCA-PAC)		JOHN, MCNERNEY P.	\$230,556	0	3/3/2015	Not Filed	\$2,873	\$275
2984	C00553420	NEW MEXICANS FOR RICHARD PRIEM	PRIEM, RICHARD G	PATTI RIVAS	\$207,589	0		Not Filed	\$51,897 (est)	\$2,970
2985	C00568246	OUR VOICES MATTER		CHARLES PASCAL	\$100,037	0		Not Filed	\$100,037 (est)	\$4,950
2986	C00509489	PATRIOT SUPER PAC		THOMAS FREILING	\$116,793	1		Not Filed	\$23,359 (est)	\$687
2987	C00261891	REPUBLICAN CENTRAL COMMITTEE OF LOS ANGELES COUNTY (FED. ACCT)		ALBERT GERSH	\$478,815	3		Not Filed	\$5,347 (est)	\$577
2988	C00547299	RICHARD BOLGER FOR CONGRESS	BOLGER, RICHARD OWEN	JAMES B. VELTRI	\$235,024	1		Not Filed	\$47,005 (est)	\$1,362
2989	C00549824	ROBLES FOR CONGRESS	ROBLES, LUZ M	SILVIA CASTRO	\$314,322	0	3/11/2015	Not Filed	\$8,543	\$330
2990	C00557694	SCOTT BRION FOR CONGRESS	BRION, SCOTT FLOYD	ERIC J. LOUDENSLAGER	\$385,242	0	3/4/2015	Not Filed	\$11,504	\$550
2991	C00558312	SEND LARA TO CONGRESS	LARA, BRIAN	BRIAN LARA	\$236,197	0		Not Filed	\$59,049 (est)	\$2,970
2992	C00499137	SHARON SUND FOR CONGRESS	SUND, SHARON	EUGENE ROBERSON	\$283,782	1		Not Filed	\$31,531 (est)	\$1,362

2994	C00560649	TOM CARTER FOR CONGRESS	CARTER, THOMAS G	THOMAS CARTER	\$411,859	0		Not Filed	\$137,286 (est)	\$4,950
2995	C00548701	WALTERS FOR CONGRESS	WALTERS, RONALD NEAL JR	MICHAEL E. GREENLEAF	\$261,156	0		Not Filed	\$43,526 (est)	\$1,090
2996	C00553545	WES NEUMAN FOR CONGRESS	NEUMAN, WESLEY RYAN	LINDA NEUMAN	\$107,255	0		Not Filed	\$17,876 (est)	\$550

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation - 2014 )  
Year-End Report of the Administrative Fine )  
Program: )  
ABELER4SENATE, and BART J WARD ) AF# 2953  
as treasurer; )  
BARFIELD FOR CONGRESS, and ) AF# 2954  
TUFANNA L THOMAS as treasurer; )  
BEALE FOR CONGRESS, and STEVEN R ) AF# 2955  
BURRIS as treasurer; )  
BELIEVE IN LIFE LIBERTY YOURSELF ) AF# 2956  
AKA BILLY PAC, and RONALD )  
NEVILLE as treasurer; )

CALVIN D TURNQUEST FOR ) AF# 2958  
CONGRESS, and OLIVIA )  
OUTMEZGUINE as treasurer; )  
CAM CAVASSO FOR U S SENATE, and ) AF# 2959  
RAYNETTE K NICHOLSON as treasurer; )  
CICOTTE FOR CONGRESS, and ) AF# 2960  
GEORGE FREDERICK CICOTTE as )  
treasurer; )  
CUBIST PHARMACEUTICALS INC. ) AF# 2961  
PAC (CUBIST PAC), and MARK )  
BATTALIGNI as treasurer; )  
DAN FREI FOR CONGRESS, and ) AF# 2962  
SAKALOSKY, MATTHEW as treasurer; )

DEMOCRATIC FOUNDATION OF ) AF# 2964  
ORANGE COUNTY, and HATTON, )  
GLEN as treasurer; )

[illegible]

DOC MOYLAN GOES TO WASHINGTON ELECTION COMMITTEE, and ROBERT BEAUVAIS as treasurer;	)	AF# 2965
EMPOWER CITIZENS NETWORK, and ROBERT WAYNE WARTHER as treasurer;	)	AF# 2966
ESPERO FOR CONGRESS, and GALLARDE, BRYAN as treasurer;	)	AF# 2967
FISCHER FOR CONGRESS, and FANTAUZZI, STACEY J. as treasurer;	)	AF# 2968
FLINN FOR SENATE, and LLOYD HETZER as treasurer;	)	AF# 2969
FRIENDS OF DICK DURBIN, and DOUGLAS A DOUGHERTY as treasurer;	)	AF# 2970
IF HE VOTES LIKE THAT IN SALEM IMAGINE WHAT HE WILL DO IN CONGRESS, and CAROL RUSSELL as treasurer;	)	AF# 2971
JAY STAMPER FOR SENATE COMMITTEE, and JEREMY M. STAMPER as treasurer;	)	AF# 2972
JETT FOR CONGRESS, and LESLIE SUSANNE LANDWERT as treasurer;	)	AF# 2973
JILL STEIN FOR PRESIDENT, and MORAN, JAMES as treasurer;	)	AF# 2974
JORGE BONILLA FOR US CONGRESS INC, and MAGDALENA BONILLA as treasurer;	)	AF# 2975
KALEKA FOR CONGRESS, and BELLIN, PETER as treasurer;	)	AF# 2976
KWASMAN FOR CONGRESS, and KWASMAN, ADAM as treasurer;	)	AF# 2977
LARRY WILSKE FOR CONGRESS, and STEWART, ANTHONY ELLIOTT as treasurer;	)	AF# 2978
LORENZO 'LARRY' PALOMARES-STARBUCK FOR CONGRESS, and ELY CESAR as treasurer;	)	AF# 2979
LOUIE MINOR FOR CONGRESS, and ANNA VAZQUEZ as treasurer;	)	AF# 2980
MARJORIE 2014, and JENNIFER MAY as treasurer;	)	AF# 2981
MCCLINE FOR CONGRESS, and TRINE ANDERSEN as treasurer;	)	AF# 2982

Federal Election Commission  
Certification for Administrative Fines  
April 03, 2015

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MECHANICAL CONTRACTORS ) AF# 2983  
ASSOCIATION OF AMERICA )  
POLITICAL ACTION COMMITTEE )  
(MCA-PAC), and JOHN, MCNERNEY P. )  
as treasurer; )  
NEW MEXICANS FOR RICHARD ) AF# 2984  
PRIEM, and PATTI RIVAS as treasurer; )  
OUR VOICES MATTER, and CHARLES ) AF# 2985  
PASCAL as treasurer; )  
PATRIOT SUPER PAC, and FREILING, ) AF# 2986  
THOMAS as treasurer; )  
REPUBLICAN CENTRAL COMMITTEE ) AF# 2987  
OF LOS ANGELES COUNTY (FED. )  
ACCT.), and ALBERT GERSH as )  
treasurer; )  
RICHARD BOLGER FOR CONGRESS, ) AF# 2988  
and JAMES B. VELTRI as treasurer; )  
ROBLES FOR CONGRESS, and SILVIA ) AF# 2989  
CASTRO as treasurer; )  
SCOTT BRION FOR CONGRESS, and ) AF# 2990  
ERIC J LOUDENSLAGER as treasurer; )  
SEND LARA TO CONGRESS, and ) AF# 2991  
BRIAN LARA as treasurer; )  
SHARON SUND FOR CONGRESS, and ) AF# 2992  
ROBERSON, EUGENE as treasurer; )  
  
TOM CARTER FOR CONGRESS, and ) AF# 2994  
CARTER, THOMAS as treasurer; )  
WALTERS FOR CONGRESS, and ) AF# 2995  
MICHAEL E GREENLEAF as treasurer; )  
WES NEUMAN FOR CONGRESS, and ) AF# 2996  
LINDA NEUMAN as treasurer; )

CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission, do hereby certify that on April 03, 2015 the Commission took the following actions on the Reason To Believe Recommendation - 2014 Year-End Report of the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated April 01, 2015, on the following committees:

AF#2953 Decided by a vote of 6-0 to: (1) find reason to believe that ABELER4SENATE, and BART J WARD as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2954 Decided by a vote of 6-0 to: (1) find reason to believe that BARFIELD FOR CONGRESS, and TUFANNA L THOMAS as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2955 Decided by a vote of 6-0 to: (1) find reason to believe that BEALE FOR CONGRESS, and STEVEN R BURRIS as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2956 Decided by a vote of 6-0 to: (1) find reason to believe that BELIEVE IN LIFE LIBERTY YOURSELF AKA BILLY PAC, and RONALD NEVILLE as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.



AF#2958 Decided by a vote of 6-0 to: (1) find reason to believe that CALVIN D TURNQUEST FOR CONGRESS, and OLIVIA OUTMEZGUINE as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2959 Decided by a vote of 6-0 to: (1) find reason to believe that CAM CAVASSO FOR U S SENATE, and RAYNETTE K NICHOLSON as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2960 Decided by a vote of 6-0 to: (1) find reason to believe that CICOTTE FOR CONGRESS, and GEORGE FREDERICK CICOTTE as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2961 Decided by a vote of 6-0 to: (1) find reason to believe that CUBIST PHARMACEUTICALS INC. PAC (CUBIST PAC), and MARK BATTALIGNI as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2962 Decided by a vote of 6-0 to: (1) find reason to believe that DAN FREI FOR CONGRESS, and SAKALOSKY, MATTHEW as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2964 Decided by a vote of 6-0 to: (1) find reason to believe that DEMOCRATIC FOUNDATION OF ORANGE COUNTY, and HATTON, GLEN as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2965 Decided by a vote of 6-0 to: (1) find reason to believe that DOC MOYLAN GOES TO WASHINGTON ELECTION COMMITTEE, and ROBERT BEAUVAIS as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2966 Decided by a vote of 6-0 to: (1) find reason to believe that EMPOWER CITIZENS NETWORK, and ROBERT WAYNE WARTHER as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2967 Decided by a vote of 6-0 to: (1) find reason to believe that ESPERO FOR CONGRESS, and GALLARDE, BRYAN as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2968 Decided by a vote of 6-0 to: (1) find reason to believe that FISCHER FOR CONGRESS, and FANTAUZZI, STACEY J. as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2969 Decided by a vote of 6-0 to: (1) find reason to believe that FLINN FOR SENATE, and LLOYD HETZER as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2970 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF DICK DURBIN, and DOUGLAS A DOUGHERTY as treasurer violated 52 U.S.C.

30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2971 Decided by a vote of 6-0 to: (1) find reason to believe that IF HE VOTES LIKE THAT IN SALEM IMAGINE WHAT HE WILL DO IN CONGRESS, and CAROL RUSSELL as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2972 Decided by a vote of 6-0 to: (1) find reason to believe that JAY STAMPER FOR SENATE COMMITTEE, and JEREMY M STAMPER as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2973 Decided by a vote of 6-0 to: (1) find reason to believe that JETT FOR CONGRESS, and LESLIE SUSANNE LANDWERT as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2974 Decided by a vote of 6-0 to: (1) find reason to believe that JILL STEIN FOR PRESIDENT, and MORAN, JAMES as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2975 Decided by a vote of 6-0 to: (1) find reason to believe that JORGE BONILLA FOR US CONGRESS INC, and MAGDALENA BONILLA as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2976 Decided by a vote of 6-0 to: (1) find reason to believe that KALEKA FOR CONGRESS, and BELLIN, PETER as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners

Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2977 Decided by a vote of 6-0 to: (1) find reason to believe that KWASMAN FOR CONGRESS, and KWASMAN, ADAM as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2978 Decided by a vote of 6-0 to: (1) find reason to believe that LARRY WILSKE FOR CONGRESS, and STEWART, ANTHONY ELLIOTT as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2979 Decided by a vote of 6-0 to: (1) find reason to believe that LORENZO 'LARRY' PALOMARES-STARBUCK FOR CONGRESS, and ELY CESAR as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2980 Decided by a vote of 6-0 to: (1) find reason to believe that LOUIE MINOR FOR CONGRESS, and ANNA VAZQUEZ as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2981 Decided by a vote of 6-0 to: (1) find reason to believe that MARJORIE 2014, and JENNIFER MAY as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2982 Decided by a vote of 6-0 to: (1) find reason to believe that MCCLINE FOR CONGRESS, and TRINE ANDERSEN as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2983 Decided by a vote of 6-0 to: (1) find reason to believe that MECHANICAL CONTRACTORS ASSOCIATION OF AMERICA POLITICAL ACTION COMMITTEE (MCA-PAC), and JOHN, MCNERNEY P. as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2984 Decided by a vote of 6-0 to: (1) find reason to believe that NEW MEXICANS FOR RICHARD PRIEM, and PATTI RIVAS as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2985 Decided by a vote of 6-0 to: (1) find reason to believe that OUR VOICES MATTER, and CHARLES PASCAL as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2986 Decided by a vote of 6-0 to: (1) find reason to believe that PATRIOT SUPER PAC, and FREILING, THOMAS as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2987 Decided by a vote of 6-0 to: (1) find reason to believe that REPUBLICAN CENTRAL COMMITTEE OF LOS ANGELES COUNTY (FED. ACCT.), and ALBERT GERSH as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2988 Decided by a vote of 6-0 to: (1) find reason to believe that RICHARD BOLGER FOR CONGRESS, and JAMES B. VELTRI as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2989 Decided by a vote of 6-0 to: (1) find reason to believe that ROBLES FOR CONGRESS, and SILVIA CASTRO as treasurer violated 52 U.S.C. 30104(a) (formerly

2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2990 Decided by a vote of 6-0 to: (1) find reason to believe that SCOTT BRION FOR CONGRESS, and ERIC J LOUDENSLAGER as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2991 Decided by a vote of 6-0 to: (1) find reason to believe that SEND LARA TO CONGRESS, and BRIAN LARA as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2992 Decided by a vote of 6-0 to: (1) find reason to believe that SHARON SUND FOR CONGRESS, and ROBERSON, EUGENE as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2994 Decided by a vote of 6-0 to: (1) find reason to believe that TOM CARTER FOR CONGRESS, and CARTER, THOMAS as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2995 Decided by a vote of 6-0 to: (1) find reason to believe that WALTERS FOR CONGRESS, and MICHAEL E GREENLEAF as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate

letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2996 Decided by a vote of 6-0 to: (1) find reason to believe that WES NEUMAN FOR CONGRESS, and LINDA NEUMAN as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

April 6, 2015  
Date

Shelley E. Gafr  
Shelley E. Gafr  
Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 6, 2015

Tufanna L. Thomas, in official capacity as Treasurer  
Barfield for Congress  
4720 Archer Drive  
Wilmington, NC 28409

C00543074  
AF#: 2954

Dear Ms. Thomas:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year-End Report of Receipts and Disbursements every calendar year. This report, covering the period November 25, 2014 through December 31, 2014, shall be filed no later than January 31, 2015. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On April 3, 2015, the FEC found that there is reason to believe ("RTB") that Barfield for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before January 31, 2015. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$275. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$275 is due within forty (40) days of the finding, or by May 13, 2015, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive

Level of Activity: \$658

Number of Days Late: Not Filed (reports not filed within thirty (30) days of the due date are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must include the AF# (found at the top of page 1



under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or May 13, 2015. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Barfield for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

## **3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

**NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

**4. Partial Payments**

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

**5. Settlement Offers**

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ann M. Ravel  
Chair

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$275 for the 2014 Year-End Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by May 13, 2015. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
-----

FOR: Barfield for Congress

FEC ID#: C00543074

AF#: 2954

PAYMENT DUE DATE: May 13, 2015

PAYMENT AMOUNT DUE: \$275

# FEC OFFICE OF ADMIN REVIEW

105 APR 23 PM 2:30

April 22, 2015

Federal Election Commission  
Office of Administrative Review  
999 E Street, NW  
Washington, DC 20463

RE: Barfield for Congress, FEC#: C00543074, AF#: 2954

To Whom It May Concern:

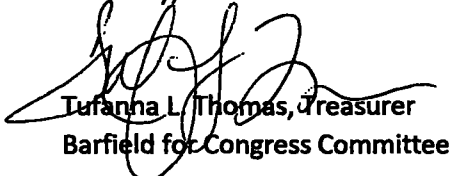
I received your letter regarding my late filing of the Barfield for Congress Year-End Report of Receipts and Disbursements and imposed fine. I was late filing the report but I hope that the Federal Election Commission will waive the civil monetary penalty.

First, I would like to apologize for the tardiness of the Year-End report. Second, I constantly had technical difficulties with filing the reports through FECFILE. I have had to call for assistance on at least three different occasions. I have been told that a technical personnel would call me back but I would never get back with me. So, although I could download the software on to my laptop, even enter the data and close the report, it would never upload. Almost every time I filed reports, there was an issue. In this instance, I called and kept getting voicemail, I could never get anyone of the phone. I am sure the office is extremely busy but I continuously tried on different occasions to file the report with no avail. I do not know if there were issues with the Commission's computers or if weather impacted this but I tried to file the report with my best efforts.

Based on the last quarterly reported filed, the Barfield for Congress Committee has had no more receipts and had made all disbursements with a zero balance. The bank account has been closed and I am making plans to close the committee. We have no funds to be available to pay a civil monetary penalty

If you have any additional questions or concerns, please do not hesitate to contact me

Sincerely,

  
Tufanna L. Thomas, Treasurer  
Barfield for Congress Committee



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 1, 2015

Tufanna L. Thomas, Treasurer  
Barfield for Congress  
4720 Archer Drive  
Wilmington, NC 28409

C00543074  
AF#: 2954

Dear Ms. Thomas:

On April 28, 2015, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") for Barfield for Congress and you, in your official capacity as Treasurer, which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

Sincerely,

A handwritten signature in black ink that reads "Rhiannon Magruder". The signature is fluid and cursive.

Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEE JUN 25 2015

2015 JUN 25 PM 3:44

**SENSITIVE**

June 25, 2015

**MEMORANDUM**

To: The Commission

Through: Alec Palmer *AP*  
Staff Director

From: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Rhiannon Magruder *RM*  
Reviewing Officer  
Office of Administrative Review

Subject: AF# 2954 – Barfield for Congress and Tufanna L. Thomas, in her official capacity as Treasurer (C00543074)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation. After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

4/10/2015 10:00 AM



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 25, 2015

## **REVIEWING OFFICER RECOMMENDATION OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2954 – Barfield for Congress and Tufanna L. Thomas, in her official capacity as Treasurer (C00543074)

### **Summary of Recommendation**

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$275 civil money penalty.

### **Reason-to-Believe Background**

The 2014 Year-End Report was due on January 31, 2015. The respondents filed the report on March 5, 2015, 33 days late. The report is not election sensitive and was not filed within 30 days of the due date; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On April 3, 2015, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2014 Year-End Report and made a preliminary determination that the civil money penalty was \$275 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on April 6, 2015 to notify them of the Commission's RTB finding and civil money penalty.

### **Legal Requirements**

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending December 31 no later than January 31 of the following calendar year. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(a)(1)(i). Political committees required to file reports with the Commission must file in an electronic format if they have received contributions or made expenditures or expect to receive contributions or make expenditures in a calendar year aggregating in excess of \$50,000. 52 U.S.C. § 30104(a)(11) and 11 C.F.R. § 104.18(a). Reports electronically filed must be received and validated at or before 11:59 p.m. Eastern Standard/Daylight Time on the filing date to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

### **Respondents' Challenge**

On April 28, 2015, the Commission received the written response ("challenge") from the Treasurer, Ms. Tufanna L. Thomas, requesting that the Commission waive the civil money penalty due to technical difficulties with FECFile. Ms. Thomas states that "[she] does not know if there were issues with the Commission's computers or if weather impacted [the filing of the report,] but [she] tried to file the report with [her] best efforts."

Ms. Thomas explains that "...almost every time [she] filed reports, there was an issue." Ms. Thomas further explains that while she was able download the software and complete reports, she always had issues uploading reports. She has called for technical support on at least three different occasions, and technical support never got back to her.

When attempting to file the 2014 Year-End Report, Ms. Thomas states she "...continuously tried on different occasions to file the report with no avail." She repeatedly called for technical support and each time was sent to voicemail.

Ms. Thomas concludes by explaining the Committee is no longer active, and she intends to terminate the Committee. She also states that neither the Committee or she have the funds to pay the civil money penalty.

### Analysis

The Treasurer contends the Committee has always had had issues uploading reports, and the Committee has called for technical assistance on at least three different occasions. The challenge implies that while the Committee has contacted the Commission for support, they have never received assistance. However, according to the Manager of the E-Filing and Disclosure Branch in the Commission's Office of the Chief Information Officer, the Electronic Filing Office ("EFO") has provided technical support to the Committee. On several occasions in January 2014, EFO provided support regarding lost data and a dataset rebuild. Later, in May 2014, EFO helped the Committee resolve upload errors.

The challenge specifically mentions an instance where technical support did not return the Treasurer's call. While the challenge does not provide details, EFO records indicate the respondents may be referring to the Treasurer's request for assistance in October 2014. According to EFO records, the Treasurer contacted EFO via email and requested assistance. EFO responded to the request by calling the Treasurer and leaving a voicemail, but the Treasurer never returned EFO's call.<sup>1</sup>

The challenge also states the Treasurer "kept getting voicemail" when attempting to call for assistance with filing the 2014 Year-End Report. However, the challenge does not specify whether or not she left a message during this period. Both EFO and RAD document all calls and voicemails received, and neither office have any record of any contacts with the Committee regarding the filing of the 2014 Year-End Report. Therefore, there is not enough evidence to suggest the Committee actually left a voicemail requesting assistance, and the Commission subsequently failed to provide assistance to the Committee.

On February 18, 2015, RAD sent a non-filer letter via email to "jbarfield@ec.rr.com," the email address listed on the Committee's Statement of Organization. The notice indicated the Committee may have failed to timely file the 2014 Year-End Report.

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<sup>1</sup> Subsequently, the Committee electronically filed the 2014 October Quarterly Report (2 days late), the 2014 Pre-General Report (timely), and the 2014 Post-General Report (one day late). All reports were electronically filed without any assistance from the Commission.



The Committee electronically filed the 2014 Year-End Report on March 5, 2015. The Commission has no record of any contacts with the Committee between October 2014 and this date, indicating the Committee successfully electronically filed the report without any assistance from EFO or RAD.

The challenge implies that FECFile errors and the unavailability of technical support were unforeseen circumstances beyond the respondents' control that prevented them from timely filing the 2014 Year-End Report. The Treasurer also states that "[she] does not know if there were issues with the Commission's computers or if weather impacted [the filing of the report,] and [she] tried to file the report with [her] best efforts." The "best efforts" defense is a two-part test: the respondents used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control, and they filed the report no later than 24 hours after the end of these circumstances.

According to EFO, there were no issues with the Commission's computers or FECFile that would have prevented the Committee from timely filing the 2014 Year-End Report. As mentioned above, there is also no evidence to suggest that the Commission failed to provide technical support to the Committee. In fact, the Committee's ability to electronically file the report without any assistance from the Commission indicates that the absence of technical support did not prevent the timely filing of the 2014 Year-End Report. There is also no evidence to suggest that severe weather prevented the respondents from filing the report. The respondents' defenses do not qualify as reasonably unforeseen circumstances beyond their control; therefore, their "best efforts" defense does not succeed.

The Committee's untimely filing of the 2014 Year-End Report can be attributed to the failure of the Committee's computer and/or the failure to use filing software properly. These are included at 11 C.F.R. § 111.35(d) as examples of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. While the Reviewing Officer is sympathetic to the respondents' financial hardships, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$275 civil money penalty.

#### **OAR Recommendations**

- 1) Adopt the Reviewing Officer recommendation for AF# 2954 involving Barfield for Congress and Tufanna L. Thomas, in her official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 2954 that Barfield for Congress and Tufanna L. Thomas, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$275 civil money penalty; and
- 3) Send the appropriate letter.

## **Attachments**

- Attachment 1 –
- Attachment 2 –
- Attachment 3 – Declaration from RAD
- Attachment 4 – Declaration from OAR

**DECLARATION OF KRISTIN D. ROSER**

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Barfield for Congress:
  - A) Non-Filer Letter, dated February 18, 2015, referencing the 2014 Year-End Report (sent via electronic mail to: jbarfield@ec.rr.com);
  - B) Reason-to-Believe Letter, dated April 6, 2015 referencing the 2014 Year-End Report (sent via overnight mail to the address of record).
3. I hereby certify that I have searched the Commission's public records and find that Barfield for Congress filed the 2014 Year-End Report with the Commission on March 5, 2015.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 29<sup>th</sup> day of April, 2015.



Kristin D. Roser  
Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-7

February 18, 2015

TUFANNA L. THOMAS , TREASURER  
BARFIELD FOR CONGRESS  
4720 ARCHER DRIVE  
WILMINGTON, NC 28409

IDENTIFICATION NUMBER: C00543074

REFERENCE: YEAR-END REPORT (11/25/2014 - 12/31/2014)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a) (formerly 2 U.S.C. §434(a))

It is important that you file this report immediately. The report must be filed with the Federal Election Commission, 999 E Street, N.W., Washington, DC 20463 for House candidates, or the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510 (if sent via overnight delivery service) or Senate Office of Public Records, P.O. Box 77578, Washington, DC 20013-7578 (if sent via USPS) for Senate Candidates. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at [www.fec.gov](http://www.fec.gov).

The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

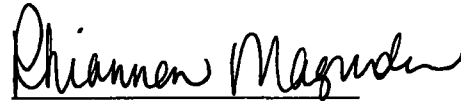


### DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) The principal campaign committee of a candidate must file a report for the quarter ending December 31 no later than January 31 of the following calendar year. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on October 15 for the October Quarterly Report to be timely filed.
- 3) It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the administrative fine regulations, including due dates of reports and filing requirements.
- 4) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
  - a) Cover Page of the Statement of Organization filed by Barfield for Congress and Tufanna L. Thomas, in her official capacity as Treasurer. According to the Commission's records, the document was received on March 26, 2013, and lists an email address of "jbarfield@ec.rr.com";
  - b) Cover Page of the 2014 October Quarterly Report electronically filed by Barfield for Congress and Tufanna L. Thomas, in her official capacity as Treasurer. According to the Commission's records, the report was received on October 17, 2014;
  - c) Cover Page of the 2014 Pre-General Report electronically filed by Barfield for Congress and Tufanna L. Thomas, in her official capacity as Treasurer. According to the Commission's records, the report was received on October 23, 2014;
  - d) Cover Page of the 2014 Post-General Report electronically filed by Barfield for Congress and Tufanna L. Thomas, in her official capacity as Treasurer. According to the Commission's records, the report was received on December 5, 2014; and
  - e) Cover Page, Summary Page, and Detailed Summary Pages of the Amended 2014 Year-End Report electronically filed by Barfield for Congress and Tufanna L. Thomas, in her official capacity as Treasurer. According to the Commission's records, the report was received on March 5, 2015.

RHIANNON MAGRUDER

- 5) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 25th day of June, 2015.

A handwritten signature in black ink, reading "Rhiannon Magruder". The signature is written in a cursive style with a horizontal line underneath the name.

Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

140301N/EN/00001

FEC  
FORM 1

STATEMENT OF  
ORGANIZATION

RECEIVED

2013 MAR 26 AM 9:15

Office Use Only  
FEC MAIL CENTER

1. NAME OF  
COMMITTEE (in full)

☐

(Check if name  
is changed)

Example: If typing, type  
over the lines.

12FE4M5

Barfield for Congress

ADDRESS (number and street)

4720 Archer Drive

☐

(Check if address  
is changed)

Wilmington

NC

28409

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

☐

(Check if address  
is changed)

jbarfield@ec.rr.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

☐

(Check if address  
is changed)

www.BarfieldforCongress.com

2. DATE

03 19 2013

3. FEC IDENTIFICATION NUMBER

C

4. IS THIS STATEMENT

☒

NEW (N)

OR

☐

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Tufanna L. Thomas

Signature of Treasurer

*Tufanna L. Thomas*

Date

03 19 2013

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office  
Use  
Only

For further information contact:  
Federal Election Commission  
Toll Free 800-424-9530  
Local 202-694-1100

FEC FORM 1  
(Revised 02/2009)



**FEC  
FORM 3****REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For An Authorized Committee

Office Use Only

1. NAME OF  
COMMITTEE (in full)

TYPE OR PRINT ▼

Example: If typing, type  
over the lines.

12FE4M5

BARFIELD FOR CONGRESS

ADDRESS (number and street)

4720 ARCHER DRIVE

Check if different  
than previously  
reported. (ACC)

WILMINGTON

NC

28409

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

C C00543074

3. IS THIS  
REPORT

X

NEW  
(N)

OR

AMENDED  
(A)

NC

07

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

X October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the  
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the  
State of

5. Covering Period 07 01 2014 through 09 30 2014

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Mrs. Tufanna L. Thomas

Signature of Treasurer

Mrs. Tufanna L. Thomas

[Electronically Filed]

Date

10 17 2014

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office  
Use  
Only**FEC FORM 3**  
(Revised 02/2003)

**FEC  
FORM 3****REPORT OF RECEIPTS  
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

BARFIELD FOR CONGRESS

ADDRESS (number and street) ▼

4720 ARCHER DRIVE

Check if different  
than previously  
reported. (ACC)

WILMINGTON

NC

28409

2. FEC IDENTIFICATION NUMBER ▼

C C00543074

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

3. IS THIS  
REPORT

X

NEW  
(N)

OR

AMENDED  
(A)

NC

07

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

X

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

11

04

2014

in the  
State of

NC

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the  
State of

5. Covering Period 10 01 2014 through 10 15 2014

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Mrs. Tufanna Thomas

Signature of Treasurer Mrs. Tufanna Thomas

[Electronically Filed]

Date

10

23

2014

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office  
Use  
Only**FEC FORM 3**  
(Revised 02/2003)

**FEC  
FORM 3****REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For An Authorized Committee

Office Use Only

1. NAME OF  
COMMITTEE (in full)

TYPE OR PRINT ▼

Example: If typing, type  
over the lines.

12FE4M5

BARFIELD FOR CONGRESS

ADDRESS (number and street)

4720 ARCHER DRIVE

Check if different  
than previously  
reported. (ACC)

WILMINGTON

NC

28409

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

C C00543074

3. IS THIS  
REPORT

X

NEW  
(N)

OR

AMENDED  
(A)

NC

07

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the  
State of

(c) 30-Day POST-Election Report for the:

X

General (30G)

Runoff (30R)

Special (30S)

Election on

11

04

2014

in the  
State of

NC

5. Covering Period 10 16 2014 through 11 24 2014

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Tufanna Bradley-Thomas

Signature of Treasurer Tufanna Bradley-Thomas

[Electronically Filed]

Date

12

05

2014

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office  
Use  
Only**FEC FORM 3**  
(Revised 02/2003)

**FEC  
FORM 3****REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For An Authorized Committee

Office Use Only

1. NAME OF  
COMMITTEE (in full)

TYPE OR PRINT ▼

Example: If typing, type  
over the lines.

12FE4M5

BARFIELD FOR CONGRESS

ADDRESS (number and street)

4720 ARCHER DRIVE

Check if different  
than previously  
reported. (ACC)

WILMINGTON

NC

28409

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

C C00543074

3. IS THIS  
REPORT

X

NEW  
(N)

OR

AMENDED  
(A)

NC

07

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

X January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the  
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the  
State of

5. Covering Period 12 05 2014 through 12 31 2014

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Mrs. Tufanna LaGale Thomas

Signature of Treasurer

Mrs. Tufanna LaGale Thomas

[Electronically Filed]

Date

03 05 2015

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office  
Use  
Only**FEC FORM 3**  
(Revised 02/2003)

FEC Form 3 (Revised 02/2003)

# SUMMARY PAGE

of Receipts and Disbursements

PAGE 2 / 6

Write or Type Committee Name

BARFIELD FOR CONGRESS

Report Covering the Period: From: 12 05 2014 To: 12 31 2014

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e)) ....	0.00	0.00
(b) Total Contribution Refunds (from Line 20(d)) .....	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)) .....	0.00	0.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17) .....	336.28	0.00
(b) Total Offsets to Operating Expenditures (from Line 14) .....	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)) .....	336.28	0.00
8. Cash on Hand at Close of Reporting Period (from Line 27) .....	15.67	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) .....	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D) .....	0.00	

## For further information contact:

Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Toll Free 800-424-9530  
Local 202-694-1100

# **DETAILED SUMMARY PAGE** of Receipts

FEC Form 3 (Revised 12/2003)

PAGE 3 / 6

Write or Type Committee Name

**BARFIELD FOR CONGRESS**

Report Covering the Period: From: 12 05 2014 To: 12 31 2014

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A).....	0.00	0.00
(ii) Unitemized .....	0.00	0.00
(iii) TOTAL of contributions from individuals .....	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs) .....	0.00	0.00
(d) The Candidate .....	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))..	0.00	0.00
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES .....	0.00	0.00
13. LOANS:		
(a) Made or Guaranteed by the Candidate.....	0.00	0.00
(b) All Other Loans.....	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b)).....	0.00	0.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) .....	0.00	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc.) .....	322.28	0.00
16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4).....	322.28	0.00

# **DETAILED SUMMARY PAGE** of Disbursements

FEC Form 3 (Revised 02/2003)

PAGE 4 / 6

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	336.28	0.00
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES .....	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of All Other Loans .....	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees .....	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs) .....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	0.00
21. OTHER DISBURSEMENTS .....	0.00	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ►	336.28	0.00

## **III. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	29.67
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	322.28
25. SUBTOTAL (add Line 23 and Line 24) .....	351.95
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	336.28
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	15.67



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 25, 2015

Tufanna L. Thomas, Treasurer  
Barfield for Congress  
4720 Archer Drive  
Wilmington, NC 28409

C00543074  
AF#: 2954

Dear Ms. Thomas:

On April 3, 2015, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Barfield for Congress and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) for failing to file the 2014 Year-End Report. The Commission also made a preliminary determination that the civil money penalty was \$275 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Rhiannon Magruder".

Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review



**SENSITIVE**



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2015 JUL 14 PM 1:33

July 14, 2015

**MEMORANDUM**

To: The Commission

Through: Alec Palmer *AMP*  
Staff Director

From: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Rhiannon Magruder *RM*  
Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2954 – Barfield for Congress and  
Tufanna L. Thomas, in her official capacity as Treasurer (C00543074)

On April 3, 2015, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2014 Year-End Report and made a preliminary determination that the civil money penalty was \$275 based on the schedule of penalties at 11 C.F.R. § 111.43.

On April 28, 2015, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated June 25, 2015 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. They submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB, or that they used best efforts to file on time. 11 C.F.R. § 111.35(b). Therefore, the Reviewing Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$275 civil money penalty.

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

### **OAR Recommendations**

- 1) Adopt the Reviewing Officer recommendation for AF# 2954 involving Barfield for Congress and Tufanna L. Thomas, in her official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 2954 that Barfield for Congress and Tufanna L. Thomas, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$275 civil money penalty; and
- 3) Send the appropriate letter.

110002100004

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Final Determination Recommendation: ) AF 2954  
Barfield for Congress and Tufanna L. )  
Thomas, in her official capacity as )  
Treasurer (C00543074) )

CERTIFICATION


I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on September 14, 2015, the Commission decided by a vote of 6-0 to take the following actions in AF 2954:

1. Adopt the Reviewing Officer recommendation for AF# 2954 involving Barfield for Congress and Tufanna L. Thomas, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2954 that Barfield for Congress and Tufanna L. Thomas, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$275 civil money penalty.
3. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

September 15, 2015  
Date

  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 16, 2015

Tufanna L. Thomas, Treasurer  
Barfield for Congress  
4720 Archer Drive  
Wilmington, NC 28409

C00543074  
AF#: 2954

Dear Ms. Thomas:

On April 3, 2015, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Barfield for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2014 Year-End Report. By letter dated April 6, 2015, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$275 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On April 28, 2015, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Barfield for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty in the amount of \$275 in accordance with 11 C.F.R. § 111.43. A copy of the Reviewing Officer Recommendation was sent to you on June 25, 2015.

On September 14, 2015, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Barfield for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assessed a civil money penalty in the amount of \$275. A copy of the Final Determination Recommendation is attached.

At this juncture, the following courses of action are available to you:

**1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the U.S. District Court for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to

present such argument in a petition to the district court under 52 U.S.C. § 30109. 11 CFR § 111.38.

**2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 4 within 30 days of receipt of this letter.

**NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

**4. Partial Payments**

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

**5. Settlement Offers**

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty

that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ann M. Ravel  
Chair

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$275 for the 2014 Year-End Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
PO Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC # 979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
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FOR: Barfield for Congress

FEC ID#: C00543074

AF#: 2954

PAYMENT AMOUNT DUE: \$275



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2954

DATE SCANNED 10/5/15

SCANNER NO. 2

SCAN OPERATOR JA